

CHAPTER 14
Fair Housing
(Rep. & recr. #62-87)

14.07 Enforcement Procedures

(1) COMPLAINT. (Am. #14-06) Any complaint alleging any discriminatory practice prohibited by this chapter shall be in writing. Such complaints may be initiated by the complainant who shall submit his complaint to the Commission in the Community Development Department. All complaints shall contain the following:

- (a) Name and address of the complainant.
- (b) Name and address of the respondent or respondents.
- (c) A statement setting forth the particulars of the alleged discrimination or discriminatory practice.
- (d) Date or dates of the alleged discrimination or discriminatory practice.

(2) WHERE FILED. Complaint shall be filed with the Commission by the complainant, his authorized agent or a member or authorized agent of the Commission and may be filed in person or by mail.

(3) WHEN FILED. Complaints alleging any discriminatory practice prohibited by this chapter shall be filed no later than 90 days after the complainant knew or should have reasonably known that the alleged act or acts occurred.

(4) NOTICE OF THE RESPONDENT. Upon the filing of a complaint, the Commission shall serve a copy thereof upon the respondent within 10 days of such filing.

(5) AMENDMENT AND WITHDRAWAL. A complaint may be amended or withdrawn at any time with and subject to the approval of the Commission and under such terms as the Commission shall direct. Notice of amendment or withdrawal shall be given to each party.

(6) INVESTIGATIONS, HEARINGS, DETERMINATIONS AND APPEAL.

(a) Investigations. (Am. #14-06) The Commission shall promptly investigate all duly filed complaints. Within 30 days of the filing of each complaint, the Commission shall issue to the complainant and respondent an initial determination in writing of whether probable cause as to find in this chapter as it exists in setting forth the basis of the determination.

(b) Determinations and Appeal. (Am. #14-06) Should a determination be made that there is no probable cause to believe discrimination in violation

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14.07 Enforcement Procedures

of this chapter has been or is being committed, the complainant shall be afforded an opportunity to a hearing before the full Commission upon written application for a hearing by the complainant. Should the full Commission decide that there is no probable cause, the complainant may appeal to the Circuit Court of the County.

(c) Elimination of Discriminatory Practices. (Am. #14-06) Should a determination be made that there is probable cause to believe that discrimination and violation of the chapter has been or is being committed, the Commission shall endeavor by means of conference, conciliation or persuasion to eliminate the alleged discriminatory practice.

(d) Notice. In any case where efforts at settlement have failed to eliminate the discriminatory practice alleged by the complainant, the Commission shall promptly cause to be issued a notice of hearing to determine the merits of the complaint.

(e) Findings of Fact and Conclusions of Law.

1. If after hearing on the basis of the official record made therein the Commission finds that the respondent has engaged in or is engaging in any discrimination prohibited by this chapter, it shall make written findings of fact and conclusions thereon and shall order such action to be taken by the respondent and, where necessary, by the complainant as will effect the purposes of this chapter by eliminating discrimination found.

2. A certified copy of such recommended findings, conclusions and orders, together with the summary of the findings of fact, shall be mailed to the last known address of the complainant and respondent. If within 20 days following the mailing of the decision, the Commission does not receive notice of appeal, the finds, conclusions and orders of the Commission shall be conclusive. Notice thereof shall be mailed to the respondent by certified mail or, in lieu thereof, by personal service.

CHAPTER 14
Fair Housing
(Rep. & recr. #62-87)

14.07 Enforcement Procedures

3. After final determination by the Commission, either party may within 30 days appeal by certiorari to a court of competent jurisdiction.

(7) JUDICIAL ENFORCEMENT. (Am. #14-06) Whenever in the judgment of the Commission, the judicial enforcement of this chapter is necessary, the Commission shall in writing request the City Attorney to enforce this chapter in the name of the City. Upon receipt of such request, the City Attorney shall have the power and duty to seek enforcement of this chapter in a court of competent jurisdiction. In addition to any other remedies contained in this chapter, any person, including the City, alleging a violation of this chapter may bring a civil action for appropriate injunctive relief, damages and reasonable attorney fees.

(8) REMEDIES AND PENALTIES.

(a) Remedies. The Equal Opportunities Commission shall, after investigation, and hearing, issue and implement such orders as may be necessary to effect the purposes of this chapter. Such orders may include:

1. Cease and desist orders.
2. Affirmative action by the respondent and, where necessary, by the complainant.

(b) Penalties.

1. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$1,000. Any person who shall fail or neglect to comply with any lawful order of the Equal Opportunities Commission issued pursuant to the provisions of this section shall be deemed guilty of a violation of this chapter and every day or fraction thereof on which such person shall fail or neglect to comply with such order shall be deemed a separate offense.
2. Any person adjudged to have violated this section within 5 years after having been adjudged to have violated this section, for every violation committed within the 5 years, shall forfeit not less than \$1000 nor more than \$10,000.

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WAUKESHA MUNICIPAL CODE 04/04/06